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**SUPPLEMENTARY  
PARTIAL EUROPEAN SEARCH REPORT**  
under Rule 46, paragraph 1 of the European Patent Convention

Application Number

EP 98 91 3316

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
P,X	WO 97 18000 A (BRIGHAM AND. WOMEN'S HOSPITAL) 22 May 1997 (1997-05-22) * claims 1-11 *	1-4, 9, 29, 30	A61K31/04 A61K38/43
X	WO 97 10265 A (DUKE UNIVERSITY MEDICAL CENTER) 20 March 1997 (1997-03-20) * claims 1-28, 30-34 *	1-4, 9, 29, 30	
X	WO 93 09806 A (BRIGHAM AND WOMEN'S HOSPITAL) 27 May 1993 (1993-05-27) * claims 1-47 * * page 18, line 2 - line 26 * * page 20, line 9 - line 24 * * page 22, line 13 - line 23 * * page 24, line 2 - line 9 *	1-4, 9, 29, 30	
X	WO 93 12068 A (BRIGHAM AND WOMEN'S HOSPITAL) 24 June 1993 (1993-06-24) * claims 1-63 * * page 10, line 7 - line 10 * * page 11, line 1 - line 28 * * page 14, line 8 - line 27 * * page 15, line 29 - page 16, line 6 * -/-	1-4, 9, 29, 30	
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)
			A61K
<b>LACK OF UNITY OF INVENTION</b>			
The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions; namely:			
see sheet B			
The present partial European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims.			
Place of search		Date of completion of the search	Examiner
BERLIN		25 February 2003	Siatou, E
<b>CATEGORY OF CITED DOCUMENTS</b> X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document			

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DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	SUMITANI K ET AL: "CYTOTOXIC EFFECT OF SODIUM NITROPRUSSIDE ON CANCER CELLS: INVOLVEMENT OF APOPTOSIS AND SUPPRESSION OF C-MYC AND C-MYB PROTO-ONCOGENE EXPRESSION" ANTICANCER RESEARCH, HELENIC ANTICANCER INSTITUTE, ATHENS,, GR, vol. 17, no. 2A, March 1997 (1997-03), pages 865-872, XP001064190 ISSN: 0250-7005 * the whole document *	1-4, 9, 29, 30	
X, P	KOCHMAN A ET AL: "INDUCTION OF PROGRAMMED CELL DEATH (APOPTOSIS) IN SARCOMA YOSHIDA CELLS BY NOVEL NITROXIDE DERIVATIVES" ANTICANCER RESEARCH, HELENIC ANTICANCER INSTITUTE, ATHENS,, GR, vol. 18, no. 6c, 1998, pages 4899-4900, XP000933448 ISSN: 0250-7005 * the whole document *	1-3, 9, 29, 30	TECHNICAL FIELDS SEARCHED (Int.Cl.6)
X	WO 95 09612 A (ENTREMED INC. ET AL) 13 April 1995 (1995-04-13) * claims 1-31 * * page 7, line 13 - page 9, line 7 *	1-3, 5, 6, 9, 29, 30	
X	WO 93 20806 A (THE UNITED STATES OF AMERICA) 28 October 1993 (1993-10-28) * claims 1-34 * * page 14, line 3 - line 17 *	1-3, 5, 6, 9, 29, 30	
	-/-		

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DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	"The Merck Index, 11th edition" 1989, MERCK & CO. INC., RAHWAY, N.J., USA XP002232228 * page 1045, right-hand column, paragraph 6528 - page 1046, left-hand column * * page 823, left-hand column, paragraph 5114 * * page 1030, left-hand column, paragraph 6431 *	1,3,4	
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)



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LACK OF UNITY OF INVENTION  
SHEET B

Application Number

EP 98 91 3316

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. Claims: 1-9, 29-30 (all partially)

S-nitrosylating compounds and their use for treating medical conditions characterised by apoptosis

2. Claims: 1-9, 29-30 (all partially)

S-nitrosylating compounds and their use for treating drug dependency.

3. Claims: 1-3, 5, 29-30 (all partially)

compounds which generate an oxidising cascade similar to that generated by NO and their use for ameliorating apoptotic non-neuronal and non-ophthalmological cell death or injury

4. Claims: 1-3, 5, 29-30 (all partially)

compounds which generate an oxidizing cascade similar to that of NO and their use in the treatment of drug dependency

5. Claims: 10-20, 28-30 (partially)

a pseudocaspase enzyme and its use for treating medical conditions characterised by apoptosis.

6. Claims: 21-27, 28 (partially)

a pseudocaspase enzyme and its use for treating ophthalmological conditions



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INCOMPLETE SEARCH  
SHEET C

Application Number  
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Claim(s) searched completely:

4, 7

Claim(s) searched incompletely:

1-3, 5-6, 8-9

Reason for the limitation of the search:

Present independent claims 1-2, as well as dependent claims 3, 5-6, 8-9 relate to an extremely large number of possible compounds and uses thereof. Support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC is to be found, however, for only a very small proportion of the compounds claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the compounds listed in claims 4 and of the present application.

Moreover, the term "agents that generate an oxidizing cascade similar to that generated by NO" in claim 5 is considered to be broad making the extent of protection conferred unclear (Art. 84 EPC). Support and/or disclosure can only be found for a limited number of compounds (Art. 83 EPC), namely alpha-lipoic acid, dihydrolipoate, glutathione, ascorbate and vitamin E all of which are explicitly disclosed in said claim.

The term "apoptotic non-neuronal and non-ophthalmological cell death or injury" is considered to render the subject matter of claim 2 unclear (Art. 84 EPC). The search has been carried out for those diseases disclosed in claim 9 of the present application.

# ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 98 91 3316

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

25-02-2003

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For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

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